



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,667	12/01/2003	Lee J. Brown	1614	2407
20676	7590	11/22/2005	EXAMINER	
ALFRED J MANGELS 4729 CORNELL ROAD CINCINNATI, OH 452412433			YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/724,667

Applicant(s)

BROWN, LEE J.

Examiner

Winnie Yip

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 and 36 is/are rejected.
- 7) ☒ Claim(s) 34 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date December 1, 2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

This is a first office action.

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature “the gutter rear wall has an uppermost end that is **folded over to define a slot** that receives the cover rear wall” (claim 2) must be shown or the feature canceled from the claim. According to the drawings, the gutter rear wall (22) having elongated ribs extending outwardly from the rear wall surface, but does not have the uppermost end being folded over to define a slot to receive the rear wall of the cover as claimed. No new matter should be entered.

2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant

Art Unit: 3636

will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide proper antecedent basis for the claimed subject matter. See 37 C.F.R. § 1.75(d)(1) and M.P.E.P. § 608.01(l) which requires that terms and phrases used in the claims must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description. Correction of the following is required: The claimed subject matters such as the “support means” that “is a surface inclined at an inclination angle of from about 85 to 60 (i.e., 75) degrees relative to the mounting surface” (claims 14-16) must be defined in the specification. The applicant is required to proofread and to amend either the specification or the claims to comply with US patent office practice.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 14-16 are rejected under 35 U.S.C. 112, first paragraph, as rejected by the disclosure as set forth above rejection.

Further, regard to claim 14, the feature “a surface inclined in a downward direction from a plane defined by the mounting surface and extending toward the gutter front wall engagement

Art Unit: 3636

means” is not clear as referring to what elements. The cited language does not appear consist with the body of the claimed invention because, according to the drawing, the inclined features such as the “interiorly-positioned ribs 54, 56, 58” and the first and second bores “62, 64, 88” are all included in **an upward direction** from a plane defined by the mounting surface (52) and extend toward the gutter front wall engagement means (94). Clarification is required. No new matter can be entered.

7. Claims 3, 10, 23-33, and 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regard to claim 3, the term “the front wall” (line 2) is confusing whether it refers to the gutter front wall or to the bracket front wall.

Regard to claim 10, “a rear wall of a gutter” (line 5) lacks a proper antecedent basis since these features have been previous defined in claim 1. Further, the features “at least one first bore” (line 7) is confusing whether it is the same as the “at least one passageway” of claim 1 (line 12) and “for receiving a bracket fastener” (lines 8-9) is confusing whether it is the same as the “connector” of claim 1 (line 14). If they are the same, they should be defined with a same terminology.

Regard to claims 10, 23, and 36, the features : “a gutter” (claim 10, lines 5-6; claim 23, line 6; claim 24, line 6), “a support bracket” (claim 23, line 8), and “an overlying cover panel” (claim 36, line 4) are confusing whether or not they are the same as the “gutter”, “support

Art Unit: 3636

brackets”, and the “overlying cover” as defined in claim 1 previously. If so, they should be defined with a proper antecedent basis.

An appropriated correction is required.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Walters (US patent No. 6,453,622).

Walters shows and teaches a rain gutter assembly comprising:

(a) an elongated gutter (10) having substantially U-shaped channel including a rear wall (18), a bottom wall (20), a front wall (12) having a vertical height less than the rear wall, the front wall including an inwardly-extending lip (53) at an uppermost edge of the front wall, the lip having a reentrant flange (52) extending outwardly from the inwardly-extending lip of the front wall; (b) at least two support brackets (30) positioned and engaging between the front wall and the rear wall of the gutter, the bracket having a substantial L-shape body (see Fig. 6) including a first vertical leg (41) having a mounting surface to contact the rear wall the of gutter and having a least one bore forming at least one passageway for receiving the connector which is a bracket fastener (50) providing support means for securing the bracket to the rear wall of the gutter and to the roof building surface, and a substantially horizontal leg (30) positioned between the rear and front walls of the gutter, a bracket front end including a reentrant flange (54) being a

Art Unit: 3636

hook member that extends in an opposite direction to the gutter front wall reentrant flange (52) to provide a engagement means to engage and support the gutter front wall in a vertical direction; and **(c)** a cover having a plate-like cover body (40) overlying and spaced above the gutter opening, a rear wall (42) defining a contact surface for contacting the gutter rear wall such that the rear wall of the cover body is jointly secured to the rear wall of the gutter and to the building surface, and an inturned front wall (40) defining a curved front surface and terminate at a front edge of the cover body and lies between the gutter front wall and the gutter rear wall, and the front edge of the cover body having an inwardly-facing surface (46) being engaged and secured by a support surface (32) of the brackets, and the front surface of the cover body being spaced from the gutter front wall to define a gap therebetween to allow water flow into the U-shaped channel of the gutter and overlying the gutter front wall inwardly-extending lip for blocking the debris into the gutter channel, and the bracket having a rear end including raised portion (34) to provide a support means for engaging the rear portion of the gutter cover.

10. Claims 1-7, 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Knudson (US patent No. 5,845,435).

Knudson shows and teaches a rain gutter assembly comprising: **(a)** an elongated gutter (12 or 92) having substantially U-shaped channel including a rear wall (18 or 98), a bottom wall (16 or 96), a front wall (17 or 97) having a vertical height less than the rear wall, the front wall including an inwardly-extending lip (25 or 103) at an uppermost edge of the front wall, the lip having a reentrant flange (26 or 104) extending toward the front wall; **(b)** at least two support brackets (31, or 131) positioned and engaging between the front wall and the rear wall of the

Art Unit: 3636

gutter, the bracket having a substantial L-shape body (131) including a first vertical leg (133) having a mounting surface to contact the rear wall the of gutter and having a least one bore (148) forming at least one passageway for receiving the connector which is a bracket fastener (75) providing support means for securing the bracket to the rear wall of the gutter and to the roof building surface, and a substantially horizontal leg (132) positioned between the rear and front walls of the gutter, the horizontal leg (132) having side panel (147) extending between the vertical leg and the horizontal leg, the bracket front end (134) including a reentrant flange (138) being a hook member that extends in an opposite direction to the gutter front wall reentrant flange (26 or 104) to provide a engagement means to engage and support the gutter front wall in a vertical direction; and (c) a cover having a plate-like cover body (19 or 99) overlying and spaced above the gutter opening, a rear wall (99a) defining a contact surface for contacting the gutter rear wall such that the rear wall of the cover body is jointly secured to the rear wall of the gutter and to the building surface, and an inturned front wall (106) defining a curved front surface and terminate at a front edge of the cover body and lies between the gutter front wall and the gutter rear wall, and the front edge of the cover body having an inwardly-facing surface (107) being engaged and secured by a support surface (135) of the brackets, and the front surface of the cover body being spaced from the gutter front wall to define a gap (101) therebetween to allow water flow into the U-shaped channel of the gutter and the leaves and debris are prevented by the cover.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:



Art Unit: 3636

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walters '622 or Knudson '435 as applied to claims 1 and 7 above.

The claim is considered to meet by Walters or Knudson as explained and applied set forth above rejections except the Walters and Knudson have not defined the gap formed between the gutter front wall and the gutter front wall having specific dimension. However, since applicant has not disclosed the gap having a specific dimension formed between the front walls of the gutter and cover solve any stated problems or is for any particular purpose, it appears that the claimed invention would perform equally well with the gap formed from about  $\frac{1}{4}$  in to  $\frac{1}{2}$  in as claimed. It would have been obvious to one ordinary skill in the art, at the time the invention was made, to vary the dimension of the gap formed between the front walls of the cover of the rain gutter assembly of Walters or Knudson as an obvious matter of design choice for allowing suitable amount of the rain water can be flow into the gutter.

13. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walters '622 or Knudson '435 as applied to claims 1 and 7 above, and further in view of Snell (US Pub. NO. 2005/0082436).

The claims are considered to be met by Walters or Knudson as explained and applied set forth above rejections except the Walters and Knudson have not defined the support means is inclined at an inclination angle relative to the mounting surface. Snell teaches a rain gutter assembly comprising a U-shaped gutter (13), a cover (21) covering the gutter and supported by

Art Unit: 3636

brackets , wherein the bracket having a passageway (20) providing a support and guiding means being inclined at an inclination angles (See Fig. 2; page 3, paragraph 0048) with respect to a mounting surface of the roof building (15) for receiving a fastener (19) passed therethrough to mount the bracket and the gutter to the wall surface. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the rain gutter assembly of Walters or Knudson having a passageway having very inclination angles relative to the mounting surface as taught by Snell for providing a support means for guiding and receiving the fastener therethrough to tightly secure the bracket and the gutter to a mounting wall.

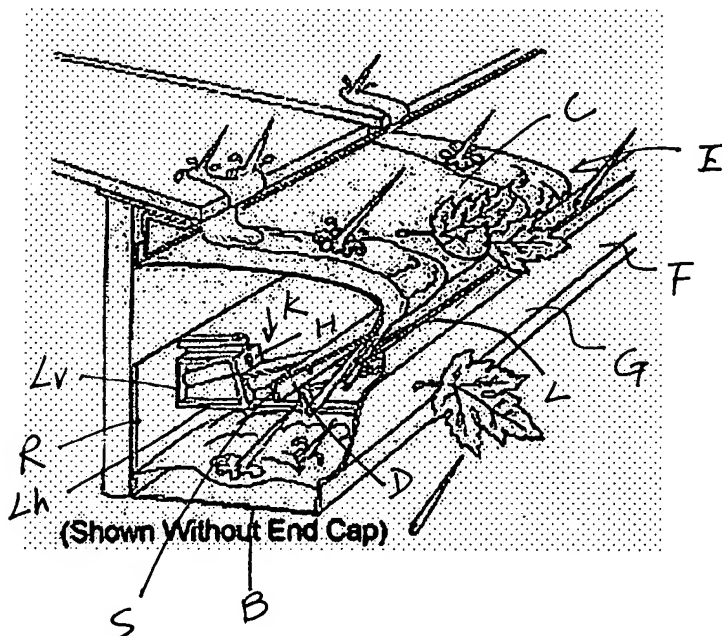
14. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solution Company, Inc. (1/03) in view of Knudson '435.

Solution Company, Inc. shows and teaches a rain gutter assembly comprising: **(a)** an elongated gutter (G) having substantially U-shaped channel including a rear wall (R), a bottom wall (B) and a front wall (F), the front wall including an inwardly-extending lip (L) at an uppermost edge of the front wall, the lip having a reentrant flange extending backward and toward the front wall; **(b)** at least two support brackets (K) positioned and engaging between the front wall and the rear wall of the gutter, the bracket having a substantial L-shape body including a first vertical leg (Lv) having a mounting surface to contact the rear wall the of gutter and having a least one first bore (H) forming at least one passageway for receiving a connector which is a bracket fastener (3" screw) to provide a support means for securing the bracket and the gutter to the rear wall to the roof building surface, the support means having a surface inclined in a downward direction, and a substantially horizontal leg (Lh) positioned between the

Art Unit: 3636

rear and front walls of the gutter, the horizontal leg (Lh) having support surface having at least one second bore for receiving a fastener for securing the front edge of the gutter cover and a stepped portion (I) below the second bore providing a stop surface for abutment with and positioning relative to the bracket of the front edge of the cover, and the bracket having a front end providing an engagement means to engage and support the reentrant flange of the gutter front wall in a vertical direction; and (c) a cover having a plate-like cover body (C) overlying and spaced above the gutter opening, an inturned front wall (E) defining a curved front surface and terminate at a front edge of the cover body and lies between the gutter front wall and the gutter rear wall, and the front edge of the cover body having an inwardly-facing surface (D) being engaged and secured by a support surface (S) of the brackets, and the front surface of the cover body being spaced from the gutter front wall to define a gap about  $\frac{1}{2}$  inches therebetween to allow water flow into the U-shaped channel of the gutter. The Solution Company, Inc. does not show the rain gutter assembly including a gutter having a rear wall having a vertical height greater than that of the front wall such that the rear wall of the cover having a contact surface contacting the rear wall of the gutter and securing the rear walls of the gutter and the cover to the building surface as claimed, and the vertical leg does not carry a support means for engaging and supporting a rear portion of the cover. Knudson teaches a rain gutter assembly (12 or 92) comprising a U-shaped gutter (16 or 96) having a front wall (17 or 97) terminated at an inwardly upward front edge for engaging with the front brackets by fasteners (13) and having a rear wall (2) extending substantial vertical along the rear edge of the gutter to define a contact surface for abutting a substantially vertical building surface, wherein the rear wall (18 or 98) of the gutter may extend upward in a height greater than the height of the front wall of the gutter, a cover

having a plate-like cover body (99) that overlies and spaced above a gutter opening, and a L-shaped bracket having a vertical first leg extending upward to contact with the rear wall of the gutter and having an upward extending portion (136) providing support means (136) to engage and support a rear portion of the cover. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the prior art rain gutter assembly of Solution Company, Inc. having the gutter formed with a rear wall having a vertical height great than of the front wall cover for contacting and securing the rear wall of a cover to the rear wall of the gutter, and the bracket having the vertical leg having an extending upward portion for providing support means for supporting the rear portion of the cover as taught by Knudson for strongly supporting the rear wall of the cover to provide the rain gutter assemble having an enclosure confirmation.



Art Unit: 3636

15. Claims 19-23, 32, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solution Company, Inc. in view of Knudson '435 as applied to claims 1 and 10 above, and further in view of Sickler (US Patent No.3,545,144).

The claims are considered to be met by Solution Company, Inc in view of Knudson as explained and applied set forth above rejections except the Solution Company, Inc. and Knudson have not defined the rain gutter assembly having the bracket having at least one aperture in the bracket for receiving a fastener for fasten ring an end cap to the end of the gutter. Solution Company, Inc. discloses the rain gutter assembly having an end cap mounted at each end of the gutter for blocking water flow from the gutter end, and Knudson teaches a L-shaped bracket having a mounting flange (147) extending between the vertical and horizontal legs. And, Sickler teaches a rain gutter assembly comprising a bracket (150) having apertures (152) and an end cap (130) having apertures (134) formed on an end panel inner surface (132) for receiving fasteners for connecting the end cap to an end of gutter, wherein the end panel surface providing a first gutter-trough enclosure region for blocking water flow from the gutter end, and the end cap including an outer peripheral wall (136, 138, 140, 142) substantially perpendicular to the end panel inner surface (132) to provide a connecting means for connecting the end cap to the end of the gutter by suitable fastener means such as by fastener or adhesive such that the top of outer peripheral wall provides a second above -trough closure region for blocking entry of debris between the cover and the gutter. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the rain gutter assembly of Solution Company, Inc. having the bracket having a side flange extending between legs of the bracket as taught by Knudson for reinforcing the legs of the bracket, and the flange having apertures and having an

Art Unit: 3636

end cap with apertures as taught by Sickler for receiving fasteners to easily connect the end cap to the ends of the gutter for blocking the water flow from the ends of the gutter and the entry of debris.

16. Claims 24-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Solution Company, Inc. in view of Knudson ' and Sickler '144 as applied to claims 1 and 23 above, and further in view of Japanese Patent No. 2003-82827.

The claims are considered to be met by Solution Company, Inc in view of Knudson as explained and applied set forth above rejections except the Solution Company, Inc. and Knudson have not defined the rain gutter assembly having an end cap having connecting means for connecting the end cap with an end of gutter as claimed. Although Solution Company, Inc, does not shown the rain gutter assembly having an end cap, but Solution Company, Inc. discloses the rain gutter assembly would have an end cap mounted at each end of the gutter for blocking water flow from the gutter end. Further, Japanese Patent teaches a rain gutter assembly comprising a U-shaped elongate gutter (7) having a trough (2) and a gutter end cap (3) mounted on two ends of the gutter, the end cap (see Fig. 5) having an end panel (3) having an inner surface, an outer peripheral wall (25) and an inner peripheral wall (26) extending laterally outwardly from the inner surface of the end cap and spaced apart to define a gap therebetween, the inner peripheral wall may extending laterally outwardly from the end panel surface a greater distance than the outer peripheral wall as shown in Figs. 1 and 2) or may less distance than the outer peripheral wall as shown in Fig. 5) to alternatively define a connection slot (27) for providing first connection means to receive and connect the end cap with the end of the gutter by

Art Unit: 3636

suitable fasteners such as by screws or adhesive. And, the inner peripheral wall may be considered to be a projection extending outwardly from the inner surface of the end panel to provide the connecting means for contacting a support bracket mounted on the gutter as claimed. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the rain gutter assembly of Solution Company, Inc. in view of Knudson and Sickler which having an end cap having apertures formed on the end panel to provide a connection means for connecting the end cap to the bracket and further providing the end cap having outer and inner peripheral walls extending laterally outwardly from the inner surface of the end panel to define a first connection means as taught by Japanese Patent for receiving and connecting the end cap to the end of the gutter to provide a gutter-trough closure region for blocking the water flow from the ends of the gutter and the entry of debris.

17. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walters '622 or Knudson '435 or Solution Company, Inc. in view of Knudson '435 as applied to claim 1 above, and further in view of McDonald et al. (US Patent No. 6,931,792).

The claim is considered to be met by Walters or Knudson as explained and applied set forth above rejections except the Walters and Knudson have not defined the rain gutter assembly having a rain gutter end cap having a gutter-trough closure region and an above-trough closure region for blocking entry of debris between the gutter and an overlying cover panel as claimed. McDonald et al. teaches a rain gutter assembly comprising a substantially U-shaped gutter (8) defining a trough, a plurality of brackets (20) positioned therein the U-shaped gutter for securing the gutter to a building surface, an overlying cover panel (3) mounted overlying the gutter and

Art Unit: 3636

secured by the brackets, and a rain gutter end cap (36) secured on each end of the gutter, the end cap (36) comprising a first end panel having an inner and an outer surfaces and a perimeter having a predetermined shape to mate with the configuration of the gutter and being connected to the end of the gutter by suitable first connection means such screws, adhesive, soldering (see col. 5, lines 29-34) to define a first, gutter-trough closure region (36) for blocking water flow from a gutter end, and an upper panel (11) providing a second, above trough closure region (11) mounted between the overlying cover and the first gutter-trough enclosure to block the entry of debris between the gutter and the overlying cover. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the rain gutter assembly of Walter or Knudson or Solution Company in view of Knudson further including an end cap having two regions as taught by McDonald et al. for blocking water flow from the gutter end and for blocking the entry of the debris between the gutter and the overlying cover.

#### *Allowable Subject Matter*

18. Claims 34-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Citations*

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sweet '879 teaches a gutter assembly comprising a U-shaped gutter and brackets securing a cover overlying the gutter as similar to the claimed invention. Swanfeld, Jr. '533 teaches a gutter assembly a stop surface carried by a horizontal leg of a bracket for abutment with the cover as similar to the claimed invention. Vahldieck '517 teaches a gutter and bracket



Art Unit: 3636

having at least one boss for guiding and receiving fasteners for securing the gutter to the building structure as similar to the claimed invention. Backer '527 teaches a rain gutter assembly comprising end caps having two regions as similar to the claimed invention.

***Inquiry Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip  
Primary Examiner  
Art Unit 3636

wsy

November 13, 2005